

The below described is **SIGNED**.

Dated: October 16, 2013



R. KIMBALL MOSIER
U.S. Bankruptcy Judge



Justin O. Burton (6506)
Jeffrey P. Mortimer (14472)
RULON T. BURTON & ASSOCIATES
Attorney for Debtor(s)
6000 South Fashion Blvd.
Murray, Utah 84107
(801) 288-0202

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH

In Re:

Frank James Tuccy, Jr., SSN: xxx-xx-9053,
Melanie Dione Tuccy, SSN: xxx-xx-2847,

Debtors.

Case No. 11-34411 RKM

Chapter 13

**ORDER REGARDING OBJECTION TO TRUSTEE'S MOTION TO DISMISS FOR
NON-COMPLIANCE WITH CONFIRMATION ORDER AND
APPLICATION FOR ALLOWANCE OF COMPENSATION**

A hearing on the Debtors' Objection to Trustee's Motion to Dismiss for Non-compliance with Confirmation Order and Application for Allowance of Compensation, was held on October 9, 2013 at 11:00 a.m. in Courtroom 369 before the Honorable R. Kimball Mosier. Jeffrey P. Mortimer appeared on behalf of the Debtors and other appearances were noted on the record. The Court, having heard the representations of Counsel, having reviewed the pleading on file, being fully advised in the premises and good cause appearing hereby;

ORDERS, that the Trustee's Motion to Dismiss is denied.

It is further ORDERED that:

1. Debtors cure payment of \$820.00 and the September, 2013 payment shall post on or before October 30, 2013.

2. If any portion of the cure payment is subsequently returned to the Trustee as unpaid for any reason, including insufficient funds, the Trustee may file a Declaration of Non-Compliance, and this case will be dismissed without further notice or hearing.

3. Pursuant to 11 U.S.C. § 503(b), fees to Rulon T. Burton & Associates in the amount of \$523.86 are hereby granted and will be paid by the Chapter 13 Trustee out of Debtors' Bankruptcy Estate to the extent that funds are available.

APPROVED AS TO FORM AND CONTENT:

Chapter 13 Trustee (endorsed electronically)

MAILING CERTIFICATE

Under penalty of perjury, I hereby certify that on _____, 2013, I caused to be delivered electronically via ECF and/or mailed postage prepaid a true and correct copy of the **ORDER REGARDING OBJECTION TO TRUSTEE'S MOTION TO DISMISS FOR NON-COMPLIANCE WITH CONFIRMATION ORDER AND APPLICATION FOR ALLOWANCE OF COMPENSATION** to the following: Rulon T. Burton & Associates via ECF; Chapter 13 Trustee, via ECF;

Frank James & Melanie Dione Tuccy
2348 E. Palm Beach Dr.
Chandler, AZ 85249

Mailing Clerk, U.S. Bankruptcy Court